UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,768	10/31/2003	Debora L. Bondi	ENI-101	1822

7590   03/18/2008

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EXAMINER
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ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 October 2003*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-21* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *31 January 2003* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *1/16/04*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Status of Claims

1.   This action is in reply to the application filed on October 31, 2003.

2.   Claims 1-21 are currently pending and have been examined.

Information Disclosure Statement

3.   The Information Disclosure Statement filed on January 16, 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Drawings

4.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the variable "L", representing "anyone two persons that have met before" found in claims 15 and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5.   Further, the drawings are objected to for the inclusion of handwritten annotations.

6.   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 15 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

9.   Claims 15 and 20 include a limitation of finding "a list of subgroups where there are no conflicts among...(P)...(S), nor where there is anyone two persons that have met before (L)". The specification (pg. 5; L 19-23) discloses using a participant classifier to indicate that participants have met, or have likely met, prior to the networking event, e.g., are already members of a referral group. Figure 1, a registration form, includes a field for "Leads Group". Page 10, lines 5-6 define the leads group as R and the "where there is anyone that person has met with before" as L. Accordingly, the specification has both defined "where there is anyone that person has met with before" to be equivalent to a referral group (which is understood to be synonymous with a leads group), as well as to be distinct from a leads group (hence conditions R and L). Therefore, the specification has not disclosed how one of ordinary skill in the art would be able to determine that no two people have ever met prior to an event.

10.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11.   Claims 1-11, 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12.   Claim 1: A list of participant identifiers for a group is stored, a classifier is associated with each identifier and the participants are arranged according to the classifiers. It is unclear how the participants can be arranged thus if the identifiers are for a group rather than individual participants. Also note that the generally accepted understanding of the term "non-conflicting" is that matching between similar attributes is taking place.

13.   Claim 3: Claim 2 recites "rounds of subgroupings". It is unclear how in claim 3, the reconfiguration can be based on either "subgroupings or rounds, or both". Also, the phrase, "the sponsor" lacks sufficient antecedent basis.

14.   Claim 5: The term, "avoiding" is vague and indefinite. One cannot ascertain whether this is intended to disallow duplication of classifiers or merely attempt to disallow duplication. Also, the phrase, "participant data classifiers" lack antecedent basis.

15.   Claims 8 and 9: It is unclear whether the interest<u>s</u> are intended to comprise only one location.

16.   Claims 10 and 11: The phrase, "participant data" lacks antecedent basis.

17.   Claims 15 and 20: The following limitations are vague and indefinite:

- Step b) It is unclear whether the categories are intended to be synonymous with the classifiers in claims 12 and 17, steps b, c and d. It is also unclear what the phrase "anyone two persons". A suggestion would be "any two persons".

- Steps c, d, and e contain the term "attempt". This term is vague in that it is unclear whether the activities following the term are intended to positively limit the claim. With an "attempt" it is not sure how far one actually progressed in the activity of finding.

- Step h) states that the algorithm is repeated until all participants are placed at a subgroup, however, the preceding steps do not include placing participants at any of the subgroups. The preceding steps merely find or select **a list of subgroups**. Step h) repeats from step c). It is unclear whether this entails repeating only step c) or steps c) – h).

- Step i) repeats from step b). It is unclear whether this entails repeating only step b) or steps b) – i). Further, the term "each round" lacks antecedent basis.

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19.   <u>Claims 1-11</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMedio (US Pat. No. 6,506,056) in view of Shear et al. (US Pat. No. 6,112,181, hereafter referred to as "Shear").

20.   **Claim 1:** DeMedio discloses an event-planning organizer where events include "business related functions" (C1; L5-10), a list of guests (C2; L58), participant classifiers (C5; L20-23: "person characterizations"), associating a classifier with each participant identifier (C6; L34-36) and arranging participant into subgroupings having non-conflicting participant data classifiers (Fig. 5A and 5B: "Key People", "Special Needs Guests" and Guests" are subgrouping such that key people are placed first, followed by special needs guests, followed by guests, thus each represents a non-conflicting subgrouping.)

21.   DeMedio does not disclose using a database to store, classify and arrange participants.

22.   Shear, however, discloses using a database to store records of personal data (C44; L59-60), a classification and matching utility (C55; L8-44) and arranging (matching) into groups using an electronic matchmaker (C11; L5-14).

23.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included using databases, as disclosed by Shear in the system disclosed by DeMedio, for the motivation of providing a method of proper seating assignments (DeMedio; C3; L38-39). Databases are an old and well known means to organize and sort data, such as guest names. DeMedio would be motivated to use the database classification system of Shear to further enhance their method such that event organizers are allowed to "rapidly decide which

table size is better and how changes in table size impact seating capacity and guest seating preferences." (DeMedio; C2; L50-53 and C3; L15-17).

24.   **Claim 2:** DeMedio discloses serial, non-repeating rounds of subgroupings. (Fig. 5A and 5B: "Key People", "Special Needs Guests" and "Guests" are subgroupings such that key people are placed first, followed by special needs guests, followed by guests, thus each represents a non-conflicting subgrouping.)

25.   **Claim 3:** DeMedio discloses automatically reconfiguring according to selection criteria imposed by the sponsor. (C3; L5-17: changing the table count inherently requires reconfiguring the number of rounds).

26.   **Claim 4:** DeMedio discloses a primary classifier (C5; L22-23) but not a secondary classifier.

27.   Shear, however, discloses class hierarchies (C34; L52: a class hierarchy inherently comprises a plurality of classes).

28.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a secondary classifier, as disclosed by Shear, in the system of DeMedio for the motivation of providing improved matching of guest preferences to seating choices. For example, a key person may also be a special needs guest, therefore requiring seating assignment to account for both characterizations.

29.   **Claim 5:** DeMedio discloses grouping classifiers of compatible generic interests (C5; L20-23: "person characterizations" and "special needs people").

30.   **Claims 6 and 7:** DeMedio in view of Shear discloses primary and secondary classifications. DeMedio further discloses that interests are business types (C8; L29-30: a key person can be a CEO).

31.   **Claims 8 and 9:** DeMedio does not disclose that interests are geographic location. However, Shear discloses a questionnaire that gathers location information (C46; L51-62) and determining whether people are in a class or group based on a plurality of characteristics, "for example, where you live in Denver, are under the age of 25 and are single". (C21; L8-12).

32.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a location interest as disclosed by Shear, in the system of DeMedio for the motivation of providing improved matching of guest preferences to seating choices. (DeMedio; C3; L17).

33.   **Claim 10:** DeMedio does not disclose a data collection form, however, Shear discloses a questionnaire (C46; L51-62).

34.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a questionnaire, as disclosed by Shear, in the system of DeMedio for the motivation of providing a systematic means of gathering necessary data. The system of DeMedio inherently relies on data in order to classify people by characterizations (C5; L22) and a questionnaire is an old and well known form of gathering data.

35.   **Claim 11:** DeMedio discloses participant lists. (C6; L10-11).

36.   <u>Claims 12-21</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Regonline.com (pages   documented   from   the   Internet   Archive   at http://web.archive.org/web/20020218214733/www.regoline.com/about.asp   and http://web.archive.org/web/20011214152348/www.regoline.com/signin.asp) in view of Shear et al. (US Pat. No. 6,112,181, hereafter referred to as "Shear").

37.   **Claims 12-14:** Regonline.com discloses "when and when your event is scheduled" (pg. 1; "Define your Event"), a registration form with name (participant identifier) and position (primary classifier) (pg. 2: the form further works as *an event coordinator application* that inherently manages and stores participant identifiers and classifiers. It is also inherent that the registration information is in a database in order for the "Features" and "Benefits" listed on page 1 to e realized.) Regonline.com performs these actions both electronically and through a web site.

38.   Regonline.com does not disclose a *participant grouping function* however, Shear discloses "a process can test to determine whether particular people or things are inside or outside of

particular classes or groups based on one or a number of attributes or characteristics". (C21; L8-11).

39.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a participant grouping function, as disclosed by Shear, in the system of Regonline.com for the motivation of matching suppliers of certain classes of goods an/or services with those who desire to purchase and/or use those classes of goods and/or services, wherein such matches may include fulfilling a commercial business interaction. (Shear; C16; L55-59). Regonline.com is geared towards events that include trade shows (pg. 1; para. 2). Trade shows are a well known means of bringing buyers and sellers together, therefore the enhancement of grouping participants to fulfill commercial business interactions is an obvious expansion of the system of Regonline.com.

40.   **Claims 16-19 and 21:** Regonline.com discloses "when and when your event is scheduled" (pg. 1; "Define your Event"), a registration form with name (participant identifier) and position (primary classifier) and industry (secondary classifier) (pg. 2: the form further works as *an event coordinator application* that inherently manages and stores participant identifiers and classifiers. It is also inherent that the registration information is in a database in order for the "Features" and "Benefits" listed on page 1 to e realized.) Regonline.com performs these actions both electronically and through a web site.

41.   Regonline.com does not disclose a *participant grouping function* however, Shear discloses "a process can test to determine whether particular people or things are inside or outside of particular classes or groups based on one or a number of attributes or characteristics". (C21; L8-11).

42.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a participant grouping function, as disclosed by Shear, in the system of Regonline.com for the motivation of matching suppliers of certain classes of goods an/or services with those who desire to purchase and/or use those classes of goods and/or services, wherein such matches may include fulfilling a commercial business interaction. (Shear; C16; L55-59).

Regonline.com is geared towards events that include trade shows (pg. 1; para. 2). Trade shows are a well known means of bringing buyers and sellers together, therefore the enhancement of grouping participants to fulfill commercial business interactions is an obvious expansion of the system of Regonline.com.

43.   Regonline.com discloses printing attendee name badges (pg. 1; "Badge Printing") but not printing subgroup assignments. However, Shear discloses groupings based on one or a number of attributes or characteristics". (C21; L8-11). Therefore, the system of Regonline.com, in combination with Shear's subgrouping, is capable of outputting subgroup assignments. One of ordinary skill in the art would have recognized that if a printer can print out name badges, the printer can print out a list. See also Regonline.com, "Comprehensive Reporting"; page 1.

44.   **Claims 15 and 20:** Note: due to the above rejections for indefiniteness above, the Examiner is limited to how the art can be applied, however a best effort has been made.

45.   Regonline.com discloses a random order (the registration form (pg. 2) does not produce any ordered results, therefore a random order is inherent), but does not disclose a methodology for grouping participants.

46.   Shear, however, discloses "a process can test to determine whether particular people or things are inside or outside of particular classes or groups based on one or a number of attributes or characteristics". (C21; L8-11). Shear further discloses "one or more sequences of matches and/or nested matches (a sequence and/or groping of matches within a given organization or group, wherein such matches may be required to occur in a certain order and/or participate along with other matches in a group of matches before a given match is fulfilled.)" (C16; L60-65).

47.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a participant grouping function, as disclosed by Shear, in the system of Regonline.com for the motivation of matching suppliers of certain classes of goods an/or services with those who desire to purchase and/or use those classes of goods and/or services, wherein such matches may include fulfilling a commercial business interaction. (Shear; C16; L55-59). Regonline.com is geared towards events that include trade shows (pg. 1; para. 2). Trade shows

are a well known means of bringing buyers and sellers together, therefore the enhancement of grouping participants to fulfill commercial business interactions is an obvious expansion of the system of Regonline.com.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629